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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **TACOMA DIVISION**

11 WILL CO. LTD. a limited liability company
12 organized under the laws of Japan,

13 Plaintiff,

14 vs.

15 KAM KEUNG FUNG, aka 馮錦強, aka
16 FUNG KAM KEUNG, aka FUNG KAM-
17 KEUNG, aka KUENG FUNG, aka KEUNG
18 KAM FUNG, aka KAM-KEUNG FUNG, aka
19 KEVIN FUNG, an individual; FELLOW
20 SHINE GROUP LIMITED, a foreign company,
21 and DOES 1-20, d/b/a AVGLE.COM,

22 Defendants.

Case No.: 3:20-cv-05666-RSL

**DECLARATION OF JASON TUCKER
IN SUPPORT OF PLAINTIFF WILL
CO. LTD'S *EX PARTE* MOTION FOR
LEAVE FOR ALTERNATIVE
SERVICE**

23 I, Jason Tucker, declare:

24 1. I am a United States Citizen, over the age of 18 years old, make this declaration
25 based upon personal knowledge and, if called to testify could and would testify competently to
26 the facts set forth herein.

DECLARATION OF JASON TUCKER ISO
PLAINTIFF'S MOTION FOR ALTERNATIVE
SERVICE [NO. 3:20-cv-05666-RSL]

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FREEMAN LAW FIRM, INC.

1107 ½ Tacoma Avenue South

Tacoma, WA 98042

(253) 383-4500 - (253) 383-4501 (fax)

1 2. I am the President of Battleship Stance Inc. (“Battleship”), a leading intellectual
2 property management and anti-piracy enforcement company. Our clients include award winning
3 adult entertainment studios including Plaintiff.

4 3. Battleship is retained by some of the world’s largest intellectual property rights
5 owners to provide intellectual property management, anti-piracy, and support services.

6 4. I have been in the business of legal adult entertainment production (both on and
7 off the Internet), marketing, and management at technical and executive level for over ten (15)
8 years, serving for over six (6) years as President of a company that owned and licensed one of the
9 world’s largest libraries of erotic images.

10 5. I am a graduate of the FBI and DEA Citizens Academy and a member of
11 InfraGard. I have received advanced training by both agencies that in turn have furthered my
12 ability to assist seeking out and defining operations and pirate enterprises. My efforts have been
13 acknowledged with awards from State of California Senate, the FBI, DEA, and Los Angeles
14 Sheriff’s Department as a few examples.

15 6. I have served as a consultant to Fortune 100 companies including Microsoft
16 Corporation for the rollout of several versions of Windows Media and in the development and
17 roll out of their Digital Rights Management technology and Akamai Technologies among others.

18 7. As an experienced executive within the adult entertainment industry, I have been
19 featured and quoted in publications including Newsweek, BusinessWeek, USA Today, Wired,
20 and the Washington Post and frequently am requested to speak on panels and at seminars at
21 industry events on various industry related topics and trends including anti-piracy.

22 8. Battleship Stance Inc. was retained by Will Co. Ltd. to investigate copyright and
23 trademark violations and assist in enforcing their intellectual property rights.

1 9. As a part of my duties to Will Co. Ltd., I have investigated the web site Avgle.com.
2 In doing so, I have located copyrighted works owned by Will Co. that are displayed on Avgle.com
3 without license or authority.

4 10. The web pages of Avgle.com fail to state any owner or operator of the site.

5 11. I have researched Avgle.com with the United States Copyright Office DMCA
6 Registration listings. The owners and operators of Avgle.com have not registered the web site as
7 an Internet Service Provider. There are no records of Avgle.com with the Copyright Office, and
8 thus no ownership or operator information.

9 12. In October 2020, I was provided with information provided by Tiger Media.
10 regarding Avgle.com. Tiger Media's records indicate that in August 2020 the account was
11 updated with a new party controlling the advertising accounts for Avgle.com, Fellow Shine
12 Group Limited, with an address in the British Virgin Islands and a phone number.

13 13. Prior to August 2020, and since 2017, the identity of the account contact person
14 is listed only as "Avgle," with listed addresses in Hong Kong and London, a phone number, and
15 an email address.

16 14. Regarding Fellow Shine Group Limited, the address listed on the Tiger Media
17 records is a mail drop address for New Haven Group, a company that provides business
18 formation, shelf company, agent, and other services targeted towards Hong Kong residents
19 internationally.

20 15. The phone number provided for Fellow Shine Group is a phone number operated
21 by a fixed line provider of Hong Kong.

22 16. The email address associated with Fellow Shine Group is avkujira@gmail.com.
23 I sent an email to this address and determined it to be valid.

24 17. Regarding the "prior" account holder "Avgle" with Tiger Media, a telephone
25 number and email address, adavgle@gmail.com, is listed. The phone number is specific to Hong

1 Kong Telecommunications and, through Internet investigation tools, has been traced to Kam
 2 Keung Fung. I sent communications to the listed email address, adavgle@gmail.com, and
 3 determined the address to be valid.

4 18. I researched a Hong Kong address provided to Tiger Media, before Fellow Shine
 5 Group Limited was updated as the account holder, Unit 308A, 3/F, Core Building, Shatin, Hong
 6 Kong. Current records show that this address belongs to Advenlink Technology Company
 7 Limited, with no connection to Avgle.com.

8 19. In October 2020, I was provided records Cloudflare, Inc. provided in a response
 9 to subpoena regarding Avgle.com. Cloudflare's records show Kam Keung Fung as the creator,
 10 administrative contact, payor, and responsible party for the account specific to Avgle.com. The
 11 records have an address of 78 The Sphere, 1 Hallsville Road, London, E161BE and email
 12 addressed of support@avgle.com and avgoraku@gmail.com

13 20. The listed address is an actual address, an apartment (flat) in London. The address
 14 information was provided on the Cloudflare account in early 2017. I investigated the address.
 15 If it was at one time valid for Fung, it no longer is.

16 21. In 2018, *after* listed with Cloudflare for Fung I determined the address to be that
 17 of Sravan Kumar, an Indian man, running a company named Bitla Consulting Ltd. That
 18 company has since been dissolved.

19 22. I have recently, as recent as October 2020, engaged in communications with
 20 Fung. Using Internet online investigative tools, I located two email addresses for Fung,
 21 kfung@awesapp.com and kfung426@me.com. I sent an email to each address advising Fung
 22 of the allegations of infringement on Avgle.com, this lawsuit, and a desire to discuss resolution.

23 23. Fung responded from kfung@awesapp.com, admitting involvement with
 24 Avgle.com though denying liability for infringement. In total, Fung and I have communicated
 25 four times since, with Fung utilizing kfung@awesapp.com each time.

24. The server audit logs produced by Cloudflare showed that Internet Protocol Block 61.92 was used to login, modify, and otherwise operate Cloudflare's services for Avgle.com on 1,113 instances. The full IP Block is 61.92.128.0 to 61.92.255.255. Tiger Media records show that the IP addressed used at account sign up, and various other account log-ins, was 61.92.242.24. Using the American Registry for Internet Numbers, it has been determined that the IP Block 61.92 is located in Hong Kong.

25. I have further researched Fung and companies that he appears to be associated pursuant to Internet searches. One company, Awesapp Limited, has been determined on internet directories to list Unit 108, IC Development Centre, Hong Kong Science Park, Shatin, Hong Kong. However, when investigating this address, it belongs to a company named IO&T Limited. No associations could be found between Fung and IO&T Limited.

26. In October 2020, I sent an email to the email address associated with Fellow Shine Group Limited, avkujira@gmail.com. The email informed the recipient that they had been identified as an operator of Avgle.com and requested an opportunity to discuss the matter.

27. No one responded to the email, but importantly the email address was verified as valid and did not bounce back. Further, the recipient of the email did not deny the asserted identities nor the association as an operator or owner of Avgle.com.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Execute on the 11th day of November, 2020 at Scottsdale, Arizona.


Jason Tucker

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PLAINTIFF'S MOTION FOR ALTERNATIVE
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